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REMARKS

Claims 1 to 37 are pending. No claims are allowed.

Independent Claims 1, 8, 17 and 24 have been amended to clarify what is meant by a basic silicate solution. This is disclosed on page 15 of the specification, paragraph [0019].

Claims 1, 2, 7, 8, 17, 20, 24, 25, 34 and 37 were objected to on formal grounds. The claims have been corrected as noted in the Office Action.

Claims 3, 27, 31 and 36 were rejected under 35 USC 112, second paragraph, as being indefinite. Claim 27 has been corrected to include the formula on page 17 of the application. The claims have been corrected as noted in the Office Action.

Claims 33, 36 and 37 were rejected under 35 USC 103(a) as being obvious over Pinnavaia I (U.S. Patent No. 6,506,485). This application is owned by a common assignee, Michigan State University. Enclosed is the required Terminal Disclaimer. Reconsideration of this rejection is requested.

Claims 1 to 7 were rejected under 35 USC 103(a) as being unpatentable over Esch et al (U.S. Patent 6,977,065) in view of Richer et al (Chem. Commun., 1998,

pp. 1775-1776). Esch et al discloses post modification of the formed precipitated silica (column 3, lines 11 to 51). Esch et al does not disclose a surfactant as noted in the Office Action and there is no suggestion of the use of a surfactant in particular reaction steps. The Applicants' claimed process uses the acidified solution of the organosilane and the surfactant is combined with the basic solution (pH above about 11) of the silicate. This process is not suggested by Esch et al. Richer et al can not and does not describe any process similar to that of Claims 1 to 7 since TEOS is used as a reactant. Reconsideration of this rejection is requested.

Claims 8 to 16, 33, 36 and 37 were rejected under 35 USC 103(a) as being unpatentable over Esch et al in view of Richer et al as applied to Claims 1 to 7 and further in view of Stucky et al (Chem. Mater., 2000, vol. 12, pp. 686-696). The remarks in regard to Claims 1 to 7 are incorporated herein. Stucky et al discusses a completely different process using acidic solutions of TMB and TEOS. One skilled in the art could not possibly derive the claimed invention from this combination of references. Reconsideration is requested.

Claims 17 to 23 and 34 to 37 were rejected under 35 USC 103(a) as being unpatentable over Esch et al in view

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of Richer et al as applied to Claims 1 to 7 and further in view of Pinnavaia et al (U.S. Patent No. 6,607,705 - Pinnavaia II). The remarks in regard to Esch et al and Richer et al are incorporated herein. Pinnavaia II is also 100% commonly owned by Michigan State University and is not a reference under 35 USC 103(c) and both applications were so owned by Michigan State University at the time the inventions were made pursuant to an obligation to assign. Reconsideration of this rejection is requested.


Claims 24 to 32 were rejected under 35 USC 103(a) as being unpatentable over Esch et al, Richer et al and Stucky et al as applied above and further in view of Pinnavaia II. The previous remarks regarding 35 USC 103(c) are included herein as well. Reconsideration of this rejection is requested.

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It is now believed that Claims 1 to 37 are in condition for allowance. Notice of Allowance is requested.

Respectfully,

A handwritten signature in dark ink, appearing to read "Ian C. McLeod", is written over a horizontal line.

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Enclosure: Terminal Disclaimer
Common Ownership Statement
Under 35 USC 103(c)